IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22451 of 2004

Between:

Prem Kumar Bisoi S/o Bollabo Bisoi
R/o Hostel attached to Siddartha Medical College, Vijayawada,

Krishna District

... PETITIONER

AND

1 The District Collector, Srikakulam, Srikakulam District
2 The Revenue Divisional Officer, Tekkali, Srikakulam, Srikakulam

District
3 S. Venkat Rao. B.Com., The Revenue Divisional Officer,
Tekkali, Srikakulam, Srikakulam District
4 The Registrar, NTR University of Heal Sciences, Vijayawada, Krishna

District
5 The Principal Siddartha Medial College, Vijayawada, Krishna district

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or Direction, more particularly one in the nature of Writ of Mandamus to set a side the order passed by the 2nd respondent in Rc. No. 2251/2004G dt 1-11-2004, after declaring issuance of the same as illegal, arbitrary, against principles of natural justice and contrary to the procedure laid in Rule 5 of the Rules framed under G.O.Ms. No. 58 Social Welfare (J), dt 12-5-1997, which came into fore w.e. f. 16-5-1997 and consequently direct the respondent to conduct enquiry as per procedure laid in Rule 5 of the Rules and pass orders by taking the documents produced by the petitioner into consideration in the interest of justice and pass such other order or orders may deem fit and proper in the circumstances of the

case.

Counsel for the Petitioner: MR.B.SUDHAKAR REDDY

Counsel for the Respondent No.1 & 2: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue for the respondents, and with their consent, the writ petition itself is being disposed of finally at the stage of admission.

2. As against the impugned order passed by the second respondent dated 01-11-2004, it is submitted by the learned Government Pleader for Revenue that there is an alternative remedy of appeal to the petitioner before the first respondent – District Collector, under Section 7 (1) of the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (for short 'the Act'), and without availing the said remedy, he has approached this Court.

3. Inasmuch alternative remedy by way of appeal is available to the petitioner against the impugned order; I deem it appropriate to dispose of the writ petition with the following directions:

4. The petitioner may avail the remedy of appeal available to him against the impugned order passed by the second respondent – Revenue Divisional Officer before the first respondent – District Collector under Section 7(1) of the Act, along with an application for stay. On filing of such appeal together with application for stay, the first respondent – District Collector, is directed to consider and pass appropriate orders thereon either on the appeal or on the application

for stay, within a period of four weeks from today. Till appropriate orders are passed on the appeal or the application for stay, there shall be interim suspension of the impugned order.

The writ petition is accordingly disposed of at the admission Stage.

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N. V. RAMANA, J

December 6, 2004

MRR/KSR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The District Collector, Srikakulam, Srikakulam District
2 The Revenue Divisional Officer, Tekkali, Srikakulam, Srikakulam

District
3 The Registrar, NTR University of Heal Sciences, Vijayawada, Krishna

District

4 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad

(OUT)

5 Two C.D. Copies.